REMARKS

This Amendment is in response to the Office Action of March 16, 2009 in which claims 1-24 were rejected. Claims 19 and 22 have been cancelled. Claims 1, 3, 5-10, 12, 14, 15, 17-18, 20-21 and 23-24 are amended.

I. Formal matters

The additional "and" of claim 9 has been removed. Previous claims 19 and 22 have been cancelled. Claims 20 and 21 have been amended in accordance with the examiner's suggestions. The remaining claims are being maintained without amendments, except for the adapted numbering and to add a concluding phrase at the end of claims 6, 15, and 20.

Regarding the Abstract, it was amended in the Preliminary Amendment filed upon entering the U.S. National Stage in order to compy with U.S. requirements. See page 25 thereof.

II. The prior art

The following citations have been mentioned in the Office Action:

D1: GB-A-2 375 265

D2: WO-A-03/007623

D3: US-A-2002/0139 859

D1 relates to a gateway, a method and a system for connecting a mobile telephone handset to a service provider. The user identifies a desired product or service and scans a code corresponding to the desired product or service into his mobile telephone. A message comprising the scanned code and an identification of the user's mobile telephone is transmitted to the gateway device via a mobile telephone network. The gateway includes a receiver for receiving the message, a first processor for identifying the user's mobile telephone and a second processor for identifying the desired product or service on the basis of the scanned code included in the received message. The second processor instructs an order generator, which identifies the information relating to the user that is required to allow the supplier / provider to provide the product or service, and sends a message containing the

required information in the requested format to the supplier / provider, requesting that the desired product or service be supplied to the user.

D2 teaches a transponder-reader payment system. The system includes an RFID transponder storing transactions account(s) information. A mutual authentication and encryption process allows ensuring authenticity and identification of the RFID transponder and RFID reader to meet system security as well as data communication security requirements. Such transaction account(s) information received by the RFID reader upon interrogation of the RFID transponder are forwarded to a computing device such as a point of sale (POS) device for transaction completion. The computing device, in particular the POS device, may be further in communication with a merchant host network (via data link) for processing any transaction request. Information provided by the RFID reader is provided to the POS device of the merchant system. The POS device may receive the information and provide the information to the host system for processing.

D3 teaches a method and a system for reading machine-readable label devices and searching resources bases responsive to the context in which the reading took place, e.g. to obtain information about a product fitted with a transponder. The machine-readable label device (MRL), in particular an RFID transponder, is readable by a reader of the MRL device, which reader is implemented in portable devices, especially PIMs, cell phones and the like. One embodiment relates to a user's reader which is applicable to acquire a unique identifier from the MRL device attached to a certain article, the unique identifier indicating the owner of the reader, and an address corresponding to a network server.

III. Novelty

The Examiner regards D1 as the closest prior art. However, this document does not disclose that the subscriber identification is used to distinguish, at the mediating server side, if a user has full, restricted or no access to a specific service, or for granting access to different services or service levels based on the subscriber identification. That is, D1 does not disclose a key feature of the invention, namely "selecting one or more services **in accordance** with said tag identification sequence **and** said subscriber identification".

For example, if a user uses a link obtained from an RFID tag for accessing a certain service, but does not have a corresponding subscription, the user may still be offered a

restricted / limited access to the service. See e.g. "The service information and the subscription information comprise characterization information on the basis of which the comparison can be performed. The comparison results in one or more selected individual services. It shall be noted, that the resulting one or more selected individual services may also include one or more individual services for which a subscription of the user is not necessary, i.e. which are freely accessible" (page 4, ll. 25-29 of the present application as published (WO 2004/089016) in the international phase). According to the present invention the limited (free) service may be used for advertising the service, enabling the user to test the service and probably subscribe to it.

Instead according to the teaching of D1 a user will only be provided with a service as long as he has subscribed in some way: "Clearly, for this to be possible the mobile telephone number of the user **must be known** to the first processor 5" (p. 14, 1st par.), "The gateway device 1 **will not process** the incoming message sent by the unauthorised party, as the required PIN number is not present therein, and the gateway device 1 may additionally generate and send messages alerting the user or the police that an unauthorised attempt has been made to order a product or service with the user's mobile telephone" (p. 14, 3rd par.).

That is, while the present invention suggests selecting a service "**in accordance** with said tag identification sequence **and** said subscriber identification", D1 teaches a different approach. In the present invention an active selection of a service is made on the basis of both the user identification and the tag identification. This includes selecting and granting a service that is not necessarily identical to the service associated with the tag identification. As detailed above, the user may be provided with a restricted or limited kind of service not offering all features that the "complete" service would provide (and to which to request is principally directed), depending on his subscription status that can be derived from the subscriber identification.

In D1 the authorization of the user is checked first, and only in case of a positive authorization the service requested by the user is provided secondly. In other words, in D1 the authorization check and service provisioning are handled substantially independently. To put it another way, it is not selected **what extent / which features** of a service is provided, it is only decided **if** a user is being provided with a requested service at all or if he is not. Thus,

in D1 no "selection" of any service takes place, instead the requested service is provided without any selection procedure (provided authorization has been passed).

Therefore the claims are clearly novel. Withdrawal of the novelty rejection of claims 1, 5-6, 8-10, 14-15, 17 and 24 is requested.

IV. Nonobviousness

From the above discussion of the invention vis-à-vis the closest prior art it should also be apparent that there can be no motivation for a person of ordinary skill in the art to modify the teaching of D1 in order to arrive at the present invention. In this connection it should be recalled that D1 relates to the ordering of services **and** products. The modification that would be required to obtain arrangements similar to the invention would require the ability to provide a reduced "extent" of a (single) good. The person of ordinary skill is well aware that this is not feasible for a (single) good.

For example, if the user would order a pair of shoes (which strictly speaking is not even a "single" good or item) it would apparently be nonsense to send him only the left or right shoe to let him test it and only provide him with the missing shoe upon "subscription". For single items like a music CD or the like this is not even possible at all. Therefore the person of ordinary skill would not attempt this modification, *inter alia* because it would contradict the teaching of D1 in the first place.

Also, when referring to the teaching of D1 as a whole, the gateway device does not provide the ordered service or good itself anyway. It only searches for a supplier of the service or good and then sends out an order to the supplier. The gateway device is only able to identify goods or services based on specific codes: "each of the products or services to which the codes are **specific**" (e.g. p. 3, 2nd par.). It is not apparent how the gateway device could – knowing only the specific codes of a requested service – select a service having reduced extent / limited features in this way.

In other words, D1 actually teaches away from the present invention and represents a complete, self-contained technical solution that does not motivate a person of ordinary skill to perform any modifications thereon. Therefore a person or ordinary skill will not attempt to modify the teaching of D1 to arrive at the present invention, as it would contradict the teaching of D1.

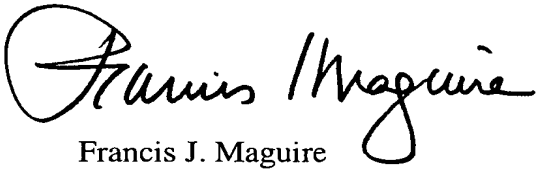
Therefore the claims are also to be regarded as nonobvious.

V. Requests

It is therefore requested that the new claims are being acknowledged as being allowable and that the grant of a patent on the basis thereof is envisaged. Should the Examiner still have substantial objections against the present invention, another non-final action is requested.

The objections and rejections of the Office Action of March 16, 2009, having been obviated by amendment, withdrawal thereof is requested and passage of claims 1-24 to issue is earnestly solicited.

Respectfully submitted,



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